

**RULES
OF
THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF LABOR STANDARDS**

**CHAPTER 0800-5-3
BOARD OF EMPLOYEE ASSISTANCE PROFESSIONAL RULES**

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0800-5-3-.01 PURPOSE AND SCOPE.

- (1) Purpose. The purpose of this chapter and the written rules is to set forth the reporting requirements and procedures for Board of Employee Assistance Professionals. These rules set out the forms required for licensure and reporting, time limits and civil penalties which may be assessed by the Board. They also establish the record available from the Board and the procedure for obtaining records.
- (2) Scope. This chapter and the written rules shall apply to all individuals subject to the Tennessee Board of Employee Assistance Professionals.

Authority: T.C.A. §§4-5-202 and 62-42-101 et seq. **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995.

0800-5-3-.02 DEFINITIONS.

- (1) "Clock hour" means sixty minutes in a continuing education activity. Providers who measure continuing education activities in "continuing education units" shall define them in clock hours.
- (2) "Continuing education" means education beyond the basic licensing educational requirement that is related to the practice of employee assistance professionals.
- (3) "Continuing education hour" or "Professional development hour" means one clock hour of training or professional development. Converting between continuing education hours (CEH) or professional development hours (PDH) and continuing education units (CEU) shall be as follows: 1.0 CEU equals 10 CEH or 10 PDH; 10 CEH or 10 PDH equals 1.0 CEU; and 1.0 CEH or 1.0 PDH equals 0.10 (1/10) CEU.
- (4) "EAP" means employee assistance professional.
- (5) "Intern/Supervisee" means an uncertified/unlicensed employee assistance intern - a counselor performing the duties of an employee assistance professional under the direct supervision of a licensed employee assistance professional.
- (6) "LEAP" means licensed employee assistance professional.
- (7) "Supervision" means ongoing monitoring, consultation, instruction and evaluations of the intern's (supervisee's) employee assistance activities. As used here, "monitoring" means the ability to oversee general activities; "instruction" means to provide or arrange ongoing training and development of employee assistance activities; "consultation" means to provide one-to-one review of employee

(Rule 0800-5-3-.02, continued)

assistance activity on a regularly scheduled basis; and “evaluation” means the written documentation of performance review.

- (8) “Supervisor” means a Tennessee state licensed employee assistance professional.

Authority: T.C.A. §§ 4-3-1411, 4-5-202, 62-42-102, 62-42-103 and 62-42-119. **Administrative History:** Original rule filed January 31, 1998; effective May 31, 1995. Repeal and new rule filed June 14, 2005; effective October 28, 2005.

0800-5-3-.03 CONTINUING EDUCATION.

- (1) All LEAPs and employee assistance interns shall complete either ten (10) continuing education hours (CEH) or ten (10) professional development hours (PDH) or a combination thereof in the areas of work organizations, human resources management, EAP policy administration, EAP direct services, chemical dependency and other addictions, or personal and psychological problems.
- (2) CEH/PDH will be submitted on a completed CEH/PDH form upon application for renewal or reinstatement of license.
- (3) Interns shall meet the same CEH/PDH requirements, submitting CEH/PDH forms during the period of internship.

Authority: T.C.A. §§4-3-1411, 4-5-202, 62-42-102, 62-42-103, 62-42-104, and 62-42-119. **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Repeal and new rule filed June 14, 2005; effective October 28, 2005. Amendment filed January 27, 2006; effective May 31, 2006.

0800-5-3-.04 STANDARDS OF ACTIVITIES.

- (1) The licensed employee assistance professional shall adhere to and abide by the following guidelines:
 - (a) Ethics and Professional Conduct
 1. Comply with all standards which are prerequisite to licensure.
 2. Examine referral practices for necessity and for ethical considerations. Signed consent forms do not release the LEAP to benefit in any way from a referral or have any financial or organizational ties to referral resources with the exception of geographic constraints, previous POP or other payor contracts.
 3. Report suspected violations of licensure law to the EAP licensure board.
 - (b) Record Keeping
 1. Maintain confidential client records in accordance with applicable state law.
 2. Document demographic data, initial assessment, EAP recommendations, and follow up contacts.
 - (c) Supervisor/Union Representative Consultation. Provide individual consultation to supervisors and union representatives regarding the management and referral to services of employees with job performance and behavioral/medical problems.
 - (d) Crisis Intervention. Arrange to have crisis intervention services available 24 hours a day for covered employees, family members, and the organization.

(Rule 0800-5-3-.04, continued)

(e) Assessment and Referral

1. Conduct an assessment to identify problems, develop a plan of action and when appropriate, refer to an appropriate resource for problem resolution.
2. Base referral on client needs and resources as revealed by the assessment and supported by observation and documentation.

(f) Short Term Problem Resolution. Determine when it may be appropriate to provide short term problem resolution services and when to make a referral to community resources. Long term ongoing treatment is not part of the LEAP's role.

(g) Monitoring and Follow Up

1. Review and monitor the progress of referrals.
2. Maintain contact with the client and treatment provider to assure that goals are being met.
3. Follow up with referring supervisors.

(h) External Resources

1. Identify and evaluate community resources which provide quality assistance at reasonable cost for employees, family members, and the work organization.
2. Utilize those resources taking into consideration the nature and severity the problem, treatment resources, availability of health care benefit coverage and client choice.
3. Help employees gain access to external resources.

(i) EAP Promotion and Education. Ensure the availability and use of promotional materials and educational activities which encourage use of services by supervisors, union representatives, employees and covered family members.

(j) Evaluation. Evaluate the appropriateness, effectiveness, and efficiency of EAP services provided to clients.

(k) Liability. Maintain adequate professional and other appropriate liability coverage.

Authority: T.C.A. §§4-5-202, 62-42-102, 62-42-103, and 62-42-104. **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed January 27, 2006; effective May 31, 2006.

0800-5-3-.05 FEES.

- (1) The applicant must submit an application fee of fifty dollars (\$50.00) in order to be considered for licensure by the Board. The fee shall be nonrefundable.
- (2) The initial license fee shall be one hundred dollars (\$100.00). The fee is nonrefundable.
- (3) The renewal license fee shall be one hundred dollars (\$100.00) for a period of one (1) year. The fee is nonrefundable.

(Rule 0800-5-3-.05, continued)

- (4) The retired license fee shall be twenty-five dollars (\$25.00) for a period of one (1) year from the date on the retired license. The fee is nonrefundable.
 - (a) If the inactive licensee wishes to remain inactive for any portion of a subsequent calendar year, the fee shall be twenty-five dollars (\$25.00). The fee is nonrefundable.
- (5) The reinstatement license fee shall be prorated on a quarterly basis at a rate of twenty-five dollars (\$25.00) per quarter. The fee is nonrefundable.
- (6) The intern application fee shall be fifty dollars (\$50.00). The fee is nonrefundable.

Authority: T.C.A. §§4-3-1411, 62-42-103, 62-42-105, 62-42-106, 62-42-107, and 62-42-119. **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed April 10, 1997; effective August 28, 1997. Repeal and new rule filed June 14, 2005; effective October 28, 2005. Repeal and new rule filed January 27, 2006; effective May 31, 2006.

0800-5-3-.06 APPEAL OF CIVIL PENALTY.

A party assessed a penalty pursuant to T.C.A. Section 62-42-103 and/or 62-42-108 may appeal such decision directly to the Board of Employee Assistance Professionals. Said appeal must be submitted in writing and within thirty (30) days after the date the assessment is served. The Board or their designee shall hear the appeal in accordance with the provision of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

Authority: T.C.A. §§62-42-102, 62-42-103, 62-42-108 and 4-5-202. **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995.

0800-5-3-.07 REQUIREMENTS FOR INTERNSHIP.

- (1) To be eligible for licensure, an employee assistance intern must request an application packet from the Board and comply with the following requirements:
 - (a) Enter into a Board approved contractual agreement with a LEAP who will provide supervision.
 - (b) Submit a copy of your high school diploma or general education development (GED).
 - (c) Submit a completed application for EAP internship.
 - (d) Submit proof of current liability insurance, \$1,000,000/occurrence; \$3,000,000/aggregate.
 - (e) Submit an affidavit of applicant.
 - (f) Submit the intern application fee as required by Rule 0800-5-3-.05(6).
 - (g) Submit every six (6) months until completion of the required hours in T.C.A. § 62-42-104 (a)(2):
 - 1. An EAP intern evaluation form that must be completed and jointly reviewed by the EAP intern and the supervising LEAP.
 - 2. Proof of at least five hundred (500) supervision hours that have been completed on the EAP intern supervision form. The supervision hours should not be duplicated on any EAP intern supervision forms.

(Rule 0800-5-3-.07, continued)

- (i) Supervision will be a combination of individual or group sessions until three thousand (3000) hours have been completed. Supervision must also be face to face with the supervising LEAP for at least two (2) hours a month.
- (h) Submit proof of required CEH/PDH on a completed CEH/PDH form during the period of internship as required by Rules 0800-5-3-.03(1) and (3).

Authority: T.C.A. §§ 4-3-1411, 62-42-103, 62-42-104, and 62-42-119. **Administrative History:** Original rule filed June 14, 2005; effective October 28, 2005. Amendment filed January 27, 2006; effective May 31, 2006.

0800-5-3-.08 REQUIREMENTS FOR LICENSURE.

- (1) Applications for licensure shall contain the following:
 - (a) Completed application for EAP licensure.
 - (b) Affidavit of applicant.
 - (c) Copy of your high school diploma or general education development (GED).
 - (d) Proof of current liability insurance, \$1,000,000/occurrence; \$3,000,000/aggregate.
 - (e) Employment Resume.
 - (f) Certified copy of nationally recognized professional certification, if applicable.
 - (g) Certified copy of licenses or certifications from other state(s), if the applicant is an out-of-state practitioner who resides or is employed in Tennessee.
 - (h) Application fee as required by Rule 0800-5-3-.05(1).
 - (i) Upon acceptance and approval of the application, the applicant will submit the appropriate initial license fee as required by Rule 0800-5-3-.05(2) before a state license will be issued.

Authority: T.C.A. §§4-3-1411, 62-42-103, 62-42-105, 62-42-106, 62-42-107, 62-42-112, and 62-42-119. **Administrative History:** Original rule filed June 14, 2005; effective October 28, 2005.

0800-5-3-.09 REQUIREMENTS FOR RENEWAL OF LICENSE.

- (1) All renewal applications shall contain the following:
 - (a) Completed renewal application to be returned to the board thirty (30) days prior to the expiration of such license.
 - (b) Proof of required CEH/ PDH on a completed CEH/PDH form as required by Rule 0800-5-3-.03 (1) and (2)
 - (c) Proof of current liability insurance, \$1,000,000/occurrence; \$3,000,000/aggregate.
 - 1. The applicant shall include his or her name and license number on the proof of insurance form.
 - (d) Renewal license fee as required by Rule 0800-5-3-.05(3).

(Rule 0800-5-3-.09, continued)

Authority: T.C.A. §§ 4-3-1411, 62-42-103, 62-42-105, 62-42-106, and 62-42-119. **Administrative History:** Original rule filed June 14, 2005; effective October 28, 2005. Amendment filed January 27, 2006; effective May 31, 2006.

0800-5-3-.10 REQUIREMENTS FOR RETIRED OF LICENSE.

- (1) Any EAP who is not engaged in work or activities which require a license may apply for a retired license.
- (2) All applications to retire shall contain the following:
 - (a) Completed application to retire accompanied by the current active license to be returned to the Board.
 - (b) Retired license fee as required by Rule 0800-5-3-.05(4).
- (3) Upon acceptance and approval of the application to retire, the Board shall issue a retired inactive license to the EAP.
- (4) The holder of a retired license shall not be entitled to practice as an EAP until the license has been reinstated in accordance with Rule 0800-5-3-.11.

Authority: T.C.A. §§ 4-3-1411, 62-42-103, 62-42-105, 62-42-106, and 62-42-119. **Administrative History:** Original rule filed January 27, 2006; effective May 31, 2006.

0800-5-3-.11 REQUIREMENTS FOR REINSTATEMENT OF LICENSE.

- (1) All reinstatement applications shall contain the following:
 - (a) Completed reinstatement application to be returned to the Board.
 - (b) Proof of required CEH/PDH on a completed CEH/PDH form as required by Rules 0800-5-3-.03(1) and (2).
 - (c) Proof of current liability insurance, \$1,000,000/occurrence; \$3,000,000/aggregate.
 1. The applicant shall include his or her name and license number on the proof of insurance form.
 - (d) Reinstatement license fee as required by Rule 0800-5-3-.05(5).

Authority: T.C.A. §§4-3-1411, 62-42-103, 62-42-105, 62-42-106, and 62-42-119. **Administrative History:** Original rule filed January 27, 2006; effective May 31, 2006.